

SENATE JOURNAL
OF THE
IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

EIGHTY-FIRST LEGISLATIVE DAY
THURSDAY, MARCH 31, 2005

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9 a.m.

Roll call showed all members present except Senator Pearce, absent and formally excused by the Chair; and Senators Andreason, Burkett, Gannon, Hill, Little, and Marley, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Chad Reiser, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Burkett and Gannon were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 30, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 31, 2005

The FINANCE Committee reports out **H 388, H 389, H 390,** and **H 393** with the recommendation that they do pass.

CAMERON, Chairman

H 388, H 389, H 390, and **H 393** were filed for second reading.

The Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 30, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1138, S 1188

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Hill, Little, and Marley were recorded present at this order of business.

The President Pro Tempore announced the Resources and Environment Committee report relative to the Gubernatorial appointments of Claude Storer, Leonard Beck, and Terry T. Uhling was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burtenshaw, seconded by Senator Stennett, the Gubernatorial appointment of Claude Storer as a member of the Idaho Water Resource Board was confirmed by voice vote.

On motion by Senator Cameron, seconded by Senator Stennett, the Gubernatorial appointment of Leonard Beck as a member of the Idaho Water Resource Board was confirmed by voice vote.

On motion by Senator Little, seconded by Senator Stennett, the Gubernatorial appointment of Terry T. Uhling as a member of the Idaho Water Resource Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced the Local Government and Taxation Committee report relative to the Gubernatorial appointments of Tom Katsilometes and Severina "Sam" Haws was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Malepeai, seconded by Senator Corder, the Gubernatorial appointment of Tom Katsilometes as a member of the Idaho State Tax Commission was confirmed by voice vote.

Senator Andreason was recorded present at this order of business.

On motion by Senator Bunderson, seconded by Senator Malepeai, the Gubernatorial appointment of Severina "Sam" Haws as a member of the Idaho State Tax Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that **HCR 26** was before the Senate for final consideration.

Moved by Senator Stegner, seconded by Senator Davis, that **HCR 26** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Andreason, Darrington, Pearce. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **HCR 26** adopted, title was approved, and the resolution ordered returned to the House.

On request by Senator Brandt, granted by unanimous consent, **HJM 5** retained its place on the calendar.

The President Pro Tempore announced that **HCR 16** was before the Senate for final consideration.

Moved by Senator Hill, seconded by Senator Werk, that **HCR 16** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Andreason, Darrington, Pearce. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **HCR 16** adopted, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that **HCR 18** was before the Senate for final consideration.

Moved by Senator Malepeai, seconded by Senator Little, that **HCR 18** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Corder, Pearce. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **HCR 18** adopted, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that **HCR 22** was before the Senate for final consideration.

Moved by Senator Andreason, seconded by Senator Marley that **HCR 22** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **HCR 22** adopted, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that **HCR 23** was before the Senate for final consideration.

Moved by Senator McKenzie, seconded by Senator Langhorst that **HCR 23** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **HCR 23** adopted, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that **HCR 25** was before the Senate for final consideration.

Moved by Senator Burtenshaw, seconded by Senator Stennett, that **HCR 25** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **HCR 25** adopted, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that **SP 101** was before the Senate for final consideration, the question being, "Shall the proclamation be adopted?"

On motion by Senator Davis, seconded by Senator Stennett, **SP 101** was adopted by voice vote, title was approved, and the proclamation ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 336, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

H 373, as amended, **H 374**, as amended, and **H 394**, by Ways and Means Committee, were read the second time at length and filed for third reading.

H 388, **H 389**, **H 390**, and **H 393**, by Appropriations Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 230, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Richardson, Stegner, Sweet, Williams. Total - 25.

NAYS--Burkett, Coiner, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 9.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 230** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 336**, as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 336**, as amended, was read the third time at length, section by section, and put upon its final passage.

H 336, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 336**, as amended, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 388** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 388** was read the third time at length, section by section, and put upon its final passage.

H 388 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 388** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 389** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 389** was read the third time at length, section by section, and put upon its final passage.

H 389 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 389** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 390** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 390** was read the third time at length, section by section, and put upon its final passage.

H 390 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Stennett, Werk, Williams. Total - 28.

NAYS--Fulcher, Richardson, Sweet. Total - 3.

Absent and excused--Andreason, Brandt, Burkett, Pearce. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **H 390** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 393** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 393** was read the third time at length, section by section, and put upon its final passage.

H 393 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly,

Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 393** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

March 31, 2005

The Honorable Robert L. Geddes
President Pro Tempore
Idaho State Senate

Dear President Pro Tem:

This letter is to inform you that I have appointed the following Representatives to the Conference Committee to consider the Senate Amendments to **H 386**:

Representative James Clark
Representative Dell Raybould
Representative Wendy Jaquet

Sincerely,
/s/ Bruce Newcomb
Speaker of the House

The correspondence from the House was ordered filed in the office of the Secretary of the Senate.

The President Pro Tempore appointed a Conference committee consisting of Senator Dean Cameron, Chairman, and Senator Hal Bunderson and Senator Clint Stennett to meet with a like committee from the House for consideration of the Senate amendments to **H 386** in which the House did not concur.

March 31, 2005

Mr. President:

I transmit herewith Enrolled **HCR 20, HCR 21, H 353, H 240, H 300, H 306**, as amended, as amended, **H 323**, as amended, **H 318, H 354, H 301, H 326, H 334, H 226, H 227, H 331, H 364, H 351, H 333, H 269, H 313, H 130**, as amended, as amended in the Senate, **H 92**, as amended in the Senate, **H 36**, as amended in the Senate, **H 37**, as amended in the Senate, and **H 281**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 20, HCR 21, H 353, H 240, H 300, H 306**, as amended, as amended, **H 323**, as amended, **H 318, H 354, H 301, H 326, H 334, H 226, H 227, H 331, H 364, H 351, H 333, H 269, H 313, H 130**, as amended, as amended in the Senate, **H 92**, as amended in the Senate, **H 36**, as amended in the Senate, **H 37**, as amended in the Senate, and **H 281**, as amended in the Senate, and ordered them returned to the House.

March 31, 2005

Mr. President:

I return herewith Enrolled **S 1086**, as amended, **S 1104, S 1160, S 1163**, as amended, **S1180, S 1189, S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, S 1216, S 1215, S 1216, S 1224, S 1225, S 1179**, as amended in the House, **S 1196, S 1217, S 1230, S 1062**, as amended, as amended in the House, **S 1164**, as amended, as amended in the House, **S 1192, S 1220, S 1228**, and **SCR 118** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1086**, as amended, **S 1104, S 1160, S 1163**, as amended, **S 1180, S 1189, S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, S 1216, S 1224, S 1225, S 1179**, as amended in the House, **S 1196, S 1217, S 1230, S 1062**, as amended, as amended in the House, **S 1164**, as amended, as amended in the House, **S 1192, S 1220**, and **S 1228** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 118** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:20 p.m. until the hour of 2:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 2:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Pearce, absent and formally excused by the Chair; and Senators Burkett and Cameron, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 3:50 p.m. until the hour of 9:30 a.m., Friday, April 1, 2005.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

